

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
May 17-21, 1999

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
5-18	EX	75/143,020	Miller Sports, Inc.	Simms Seeherman Walters*	whether the specimens of use shows a "substantially exact representation" of the mark shown in the drawing--i.e., whether the specimens demonstrate trademark use of the mark sought to be registered [mutilation]	Refusal Affirmed		"M" and design [in-line skates, ice skates and frames for skates]		Singleton	Yes
5-18	EX	75/126,056	175413 Canada Inc.	Cissel Quinn Wendel*	2(d)	Refusal Affirmed		"RUGBY" [leather and suede articles, namely, back packs, clothes bags, pouches, shopping bags, small valises, valises, and school bags]	"RUGBY CLUB" [luggage]	Micheli	No
5-18	OPP	96,517	Intel Corp. v. Felicia Wheeler-Sweet	Cissel Chapman* Wendel	2(d)	Opposition Sustained	"INTEL" [a variety of computer hardware and software]; "INTEL CORPORATION" [trade name use in connection with computer hardware and software products]	"INTELMETRIC INCORPORATED" [consulting in the field of computers and computer programming]			No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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5-18	EX	75/113,719	Frankenmuth Chamber of Commerce	Cissel Hanak Walters*	2(e)(1) [deceptively mis-descriptive]	Refusal Reversed		"WORLD EXPO OF BEER 1996" (and design) [arranging and conducting entertainment and educational exhibitions, namely, a beer tasting event featuring a variety of substantially domestic beers; educational services, namely, conducting informal classes and seminars in the field of home brewing]		Vana	No
5-18	EX	75/086,222	Glaxo Group Ltd.	Hanak Hairston* Chapman	whether the specimens of use shows a "substantially exact representation" of the mark shown in the drawing--i.e., whether the specimens demonstrate trademark use of the mark sought to be registered [mutilation]	Refusal Affirmed		"V" design [pharmaceutical preparations and substances, namely, anesthetics and analgesics]		Powers	No

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5-18	CANC	25,249	Ka Wai Food Co. v. Ching Kee Food Products Co., Ltd.	Seeherman Hanak* Quinn	2(d) [priority]	Opposition Dismissed	"CHING KEE" [egg rolls]	"CHING KEE" [egg rolls, biscuits, cookies, and cakes]			No
5-18	EX	74/523,159	Platinum Technology, Inc.	Hanak* Hairston Chapman	Section 6 disclaimer requirement [of the word TRACKER]	Refusal Reversed		"PLATINUM OBJECT TRACKER" [computer software for use in the field of databases, database management and administration, database design and implementation, database query and reporting, programming and application development]		Odin	No
5-18	EX EX	75/063,530 75/063,533	ZD Inc.	Hanak Walters Bucher*	2(e)(1)	Refusal Affirmed (in both cases)		"DIGITAL RETAIL WEEK" [printed publications, prerecorded CD-ROMs, and computer disks containing electronic versions of print and on-line publications, all in the fields of information, high technology, computers, computing, electronics, and marketing and distribution and related software; providing online publications in the field of information technology marketing and distribution, etc.		Thayer	No

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5-18	EX	75/264,504	Costas Spiliadis	Hanak* Quinn Walters	2(d)	Refusal Affirmed		"ESTIATORIO MILOS" (and fish design) [restaurant services]	"MILO'S" [restaurant services]	Mason	No
5-18	EX	75/156,938	Detroit Educational Television Foundation	Hanak Chapman* Bucher	2(d)	Refusal Affirmed		"AMERICAN BLACK JOURNAL" [educational and entertainment services in the nature of on-going television programs and television programming services featuring news, current events, public affairs and cultural affairs of interest to African Americans]	"AMERICAN JOURNAL" [entertainment in the nature of on-going television programs and television programming services featuring news and current events]	Vavonese	No
5-19	EX	75/152,222	World of Denim, Inc.	Cissel Chapman Bucher*	2(e)(1)	Refusal Affirmed		"DENIM PLACE" [retail clothing store services]		Roppel	No
5-19	OPP	102,734	Kellogg Co. v. Toucan Golf, Inc.	Simms Seeherman* Wendel	2(d)	Opposition Dismissed	"TOUCAN SAM," toucan design, etc. [cereal, cereal-derived food products, promotional items, including golf balls and golf ball markers]	"TOUCAN GOLD" [golf clubs and putters]			No
5-19	OPP	92,814	Carvel Corp. v. Ice Cream Bakery	Quinn Hairston Wendel*	2(d) [priority]	Opposition Sustained	"THE ICE CREAM BAKERY" and "ICE CREAM BAKERY" [retail ice cream store services; ice cream, etc.]	"THE ICE CREAM BAKERY" [retail ice cream store services; ice cream, etc.]			No

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5-19	OPP	103,153	Ameritech Corp. v. Matthew Hollingsworth	Cissel Quinn Bucher*	2(d)	Opposition Dismissed	"AMERITECH" (and a number of marks incorporating both the word "AMERITECH" and design elements) [telephone and telecommunication services, telephone and business directories, and a wide range of promotional items, etc.]	"AMERITECH ROOFING SYSTEMS" [residential and commercial roofing installation and repair services]			No

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